

D/L.58.
January 30, 2023.
MNS

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) No. 15 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Sitalkuchi Police Station Case No. 148 of 2022 dated 04.06.2022 under Sections 341/323/325/313/354/506/34/109 of the Indian Penal Code.

In the matter of : Hrishikesh Barman
... Petitioner.

Mr. Subhasish Misra,
Mr. Swarup Das
...for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Kallol Nag
.....for the State.

According to the petitioner, the dispute arose concerning certain landed property and the alleged offences are said to have happened during a village *salishi* meeting.

Learned Advocate of the petitioner submits that so far as the offences are concerned, there would be no ingredient against the petitioner in this case.

On behalf of the State, strong objection has been raised on the ground that due to the act of the petitioner, the victim suffered miscarriage and the offences are fairly attracted against the petitioner in this case.

Record reveals that the petitioner is in custody for five months. It is also revealed that charge-sheet has already been submitted.

Considering the facts and circumstances of the case, we do not find petitioner's further detention in the custody for the purpose of investigation would be necessary and also his release may affect the trial in any way.

Accordingly, the prayer for bail is allowed and the petitioner, namely, Hrishikesh Barman, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Mathabanga, subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

This application, being CRM (DB) 15 of 2023, is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)

